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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,954	11/21/2003	John T. Coffey	TI-35948 (1962-05900)	4427

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EXAMINER

LE, DANH C

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/718,954

Applicant(s)

COFFEY, JOHN T.

Examiner

DANH C. LE

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-19 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 6-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mangold (US 2002/0093929) in view of Rudnick (US 2002/0163928).

As to claim 1, Mangold teaches a wireless device that is adapted to communicate wirelessly with a class 1 device and a class 2 device, wherein the class 2 device is capable of communicating in a manner that is not compatible with the class 1 device (figures 1-4, 7, 8 and their descriptions), the wireless device comprising:

host logic

an antenna, and

a medium access control coupled the host logic and the antenna wherein the MAC causes the wireless device to emit a poll that is recognized by the class 1 device as a single device poll and the class 2 device and causes the wireless device to operate for a reserved period of time in which the class 2 device can communicate in a manner that is not compatible with the class 1 device.

Mangold fails to teach the class 2 device as a multi-device poll. Rudnick teaches the class 2 device as a multi-device poll (paragraphs 051, 052). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Rudnick into the system of Mangold in order to receive more opportunities to gain network access.

As to claim 2, Mangold teaches the wireless device of claim 1 wherein, during the reserved period of time, the class 2 device uses a preamble that does not comport with preambles associated with the class 1 device (figures 1-4, 7, 8 and their descriptions)

As to claim 3, Mangold teaches the wireless device of claim 1 wherein, following the reserved period of time, the MAC of the wireless device permits the class 1 device to communicate (figures 1-4, 7, 8 and their descriptions)

As to claim 4, Mangold teaches the wireless device of claim 1 wherein, following the reserved period of time, the MAC of the wireless device permits the class 1 and class 2 devices to communicate in a manner that is compatible with the class 1 devices (figures 1-4, 7, 8 and their descriptions)

As to claim 6, Mangold teaches the wireless device of claim 1 wherein the wireless device comprises an access point (figures 1-4, 7, 8 and their descriptions)

As to claim 7, the claim is a system claim of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 8, Mangold teaches the wireless network of claim 7 wherein the period of time is determined from the multi-device class poll (figures 1-4, 7, 8 and their descriptions).

As to claim 9, Mangold teaches the wireless network of claim 7 wherein, following the period of time, the access point permits the class 1 devices to communicate on the network (figures 1-4, 7, 8 and their descriptions).

As to claim 10, Mangold teaches the wireless network of claim 7 wherein, following the period of time, the access point permits both class 1 and class 2 devices to communicate on the network (figures 1-4, 7, 8 and their descriptions).

As to claim 11, Mangold teaches the wireless network of claim 10 wherein, during the period of time, the class 2 devices communicate correctly by the class 1 on the network using preambles that cannot be interpreted devices, and wherein, following the period of time, the access point permits both class 1 and class 2 devices to communicate on the network using preambles that the class 1 devices can interpret (figures 1-4, 7, 8 and their descriptions).

As to claim 12, Mangold teaches the wireless network of claim 7 wherein each class 1 device comprises a unique address and the multi-device class poll includes a predetermined address that does not correspond to an address of any of the class 1 devices (paragraph 43, 48).

As to claim 13, Mangold teaches the wireless network of claim 12 wherein the predetermined interpreted by each class 2 device as signifying a beginning of the period of time (paragraph 43, 48).

As to claim 14, Mangold teaches the wireless network of claim 7 wherein, during the period of time, the class 2 devices use a preamble that does not comport with preambles associated with the class

devices (figures 1-4, 7, 8 and their descriptions)

As to claim 15, the claim is a method claim of claim 1; therefore, the claim is interpreted and rejected as set forth as claim 1.

As to claim 16, Mangold teaches the method of claim 15 further comprising emitting a poll that contains an address that does not correspond to any of the first plurality of devices (figures 1-4, 7, 8 and their descriptions).

As to claim 17, Mangold teaches the method of claim 15 further comprising emitting a poll that contains an address that does not correspond to any of the first plurality of devices and that is interpreted by the second plurality of devices as defining the specified time period during which the second plurality of devices is permitted to communicate in a manner that is incompatible with the first plurality of devices (figures 1-4, 7, 8 and their descriptions).

As to claim 18, Mangold teaches the method of claim 15 further comprising, following the specified time period, permitting the first plurality of devices to communicate on the wireless network (figures 1-4, 7, 8 and their descriptions).

As to claim 19, Mangold teaches the method of claim 15 further comprising, following the specified time period, permitting the first plurality and second plurality of devices to communicate on the wireless network in a manner that is compatible with the first plurality of devices (figures 1-4, 7, 8 and their descriptions).

Response to Arguments

Applicant's arguments with respect to claims 1-4, 6-19 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claim 5 is objected in the previous Office Action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Danh', is written over a horizontal line.

January 5, 2007

DANH LE
PRIMARY EXAMINER